1489, a bill to provide for the sharing of information between Federal departments, agencies, and other entities with respect to aliens seeking admission to the United States, and for other purposes.

S. 1490

At the request of Mr. MILLER, his name was added as a cosponsor of S. 1490, a bill to establish terrorist lookout committees in each United States Embassy.

S. 1491

At the request of Mr. MILLER, his name was added as a cosponsor of S. 1491, a bill to provide for the establishment and implementation of a fingerprint processing system to be used whenever a visa is issued to an alien.

S. 1572

At the request of Mr. MILLER, his name was added as a cosponsor of S. 1572, a bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

S. 1614

At the request of Mr. MILLER, his name was added as a cosponsor of S. 1614, a bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities.

S. 1646

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1646, a bill to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System.

S. 1707

At the request of Mr. JEFFORDS, the names of the Senator from Georgia (Mr. MILLER), the Senator from New York (Mrs. CLINTON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1738

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1738, a bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the medicare program, and for other purposes.

S. 1767

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1767, a bill to amend title 38, United States Code, to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veteran's Affairs, and for other purposes.

S. 1788

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1788, a bill to give the Federal Bureau of Investigation access to NICS records in law enforcement investigations, and for other purposes.

S. RES. 171

At the request of Mr. MILLER, his name was added as a cosponsor of S.Res. 171, a resolution expressing the sense of the Senate concerning the provision of funding for bioterrorism preparedness and response.

S. CON. RES. 70

At the request of Mr. MILLER, his name was added as a cosponsor of S.Con.Res. 70, a concurrent resolution expressing the sense of the Congress in support of the ''National Wash America Campaign''.

S. CON. RES. 79

At the request of Mr. MILLER, his name was added as a cosponsor of S. Con. Res. 79, a concurrent resolution expressing the sense of Congress that public schools may display the words ''God Bless America'' as an expression of support for the Nation.

AMENDMENT NO. 2546

At the request of Mr. BROWNBACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 2546.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. HOLLINGS, and Mrs. BOXER):

S. 1829. A bill to provide for transitional employment eligibility for qualified lawful permanent resident alien airport security screeners until their naturalization process is completed, and to expedite that process; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Airport Security Personnel Protection Act. This legislation would expedite the naturalization process and authorize transitional employment for the many deserving airport security screeners who are in danger of losing their jobs as a result of a provision in the recently enacted Aviation Transaction Security Act.

In providing this assistance to these worthy individuals, the bill also will provide relief for the airports in which they work and the many customers whom they serve.

On November 19, 2001, President Bush signed the Aviation Transportation Security Act, P.L. 107–71, into law. The measure was passed with overwhelming support in both chambers. Among its many essential provisions was one, found in section 111(a) of the bill, that requires all airport security screeners to be United States citizens.

Some expressed disagreement with the citizenship requirement while the bill was pending but voted for the bill, nonetheless, because of the many positive and essential provisions that the bill contained. Others supported the citizenship requirement as a necessary step to ensure the safety of our aviation system.

Regardless of how Senators and House Members feel about the merits of the provision, we cannot help but be touched by one of its unfortunate consequences. Because of the contentious manner in which differing provisions in the House and Senate bills were resolved, we were unable to provide adequate transition provisions for the many well-qualified, hard-working, loyal, and deserving lawful permanent residents who are on the verge of attaining U.S. citizenship but who will not be able to complete that process before they lose their jobs.

My legislation would resolve their situation in two ways: First, it would require the Attorney General to expedite the naturalization process for those applicants who were employed as airport security screeners at the time of enactment of the Aviation Transportation Security Act.

Second, it would carve out a transition period during which qualified lawful permanent residents could continue their employment as security screeners while their naturalization applications are being adjudicated.

The ''Airport Security Personnel Protection Act'' would provide for a smoother transition for qualified lawful permanent resident airport security screeners who are on the verge of completing the naturalization process. In so doing, it also would preserve both the integrity of the naturalization process and the strong requirements for security screeners that are contained in the Aviation Transportation Security Act.

Section 4(c) of the legislation specifically precludes the weakening of standards for naturalization for these screeners. It makes it clear that the legislation merely requires the Attorney General to expedite the processing of the naturalization applications of qualified airport security screeners.

Under current law, these standards include such requirements as five years of lawful permanent residence for most of those naturalizing, a demonstration of good moral character, an understanding of the English language, and an understanding of the history, principles, and form of government of the United States.

The legislation also makes it clear that the Standards for continuing in employment during this transition period are to be the same, strong standards that are included in the recently enacted Aviation Transportation Security Act.

Under this bill, in order to continue in employment during the transition

period, an affected security screener would have to: be a lawful permanent resident alien; have been employed as a security screener on the date of enactment of the Act; meet the employment eligibility requirements under the Airport Security Screeners Act; have undergone and successfully completed an employment investigation (including a criminal history record check); have had a naturalization application pending on the date of enactment of the Act or, in the alternative, have to be within one year of being eligible to file an application for naturalization; and be approved by the U.S. Department of Transportation for hiring or continued employment.

Just as importantly, in order to remain employed during this transition period, an alien would have to meet the new, enhanced requirements of security screeners that were enacted as part of the Aviation Transportation Security Act. These new, enhanced requirements provide that the alien would have to: have a satisfactory or better score on a Federal security screening personnel selection examination; demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol; undergo an employment investigation, including a criminal history record check; not present a threat to national security; possess a high school diploma, a general equivalency diploma, or experience that the Under Secretary has determined to be sufficient for the individual to perform the duties of the position; possess the ability to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing; be able to read, speak, and write English well enough to carry out written and oral instructions regarding the proper performance of screening duties; be able to read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process; provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and write incident reports and statements and log entries into security records in the English language; have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program; among other requirements.

This simple but important bill would help the many deserving lawful permanent residents who are well qualified, have been performing their jobs admirably, and whose lives are in danger of being disrupted. But it also would help the traveling public.

It is estimated that at least 25 percent of the current 28,000 airport security screeners in the Nation's 419 commercial airports are noncitizens. I have heard from the mayor and airport director of the San Francisco International Airport. They came to me out of concern that, as a result of the new citizenship requirements under the Aviation and Transportation Security Act, the airport stands to lose 70 to 80 percent of its screening personnel. In Los Angeles, about 40 percent of the baggage screeners are noncitizens.

Certainly, not all of these noncitizens will be able to meet the stringent requirements of this legislation. But to the extent that those who are well-qualified are permitted to continue their employment while their naturalization applications are being adjudicated, it will be a great help to the many airports in which they are employed.

I urge my colleagues to move expeditiously to enact this bill into law. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Airport Security Personnel Protection Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AIRPORT SECURITY SCREENER.—The term ''airport security screener'' means an individual who is employed to perform security screening services at an airport in the United States.

(2) LAWFUL PERMANENT RESIDENT ALIEN.—The term ''lawful permanent resident alien'' means an alien lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

(3) QUALIFIED LAWFUL PERMANENT RESIDENT ALIEN DEFINED.—The term ''qualified lawful permanent resident alien'' means an alien with respect to whom a certification has been made by the Under Secretary of Transportation for Security under section 111(e)(1)(B) of the Aviation and Transportation Security Act (Public Law 107–71), as added by section 3 of this Act.

SEC. 3. TRANSITIONAL EMPLOYMENT ELIGIBILITY FOR QUALIFIED LAWFUL PERMANENT RESIDENT AIRPORT SECURITY SCREENERS.

(a) IN GENERAL.—Section 111 of the Aviation and Transportation Security Act (Public Law 107–71) is amended by adding at the end the following:

''(e) SPECIAL TRANSITION RULE FOR QUALIFIED LAWFUL PERMANENT RESIDENT ALIENS.—

''(1) IN GENERAL.—Notwithstanding any rule or regulation promulgated to implement the citizenship requirement in section 44935(e)(2)(A)(ii) of title 49, United States Code, as amended by subsection (a), or any other provision of law prohibiting the employment of aliens by the Federal Government, an alien shall be eligible for hiring or continued employment as an airport security screener until the naturalization process for such alien is completed, if—

''(A) the Attorney General makes the certification described in paragraph (2) to the Under Secretary of Transportation for Security with respect to the alien; and

''(B) the Under Secretary of Transportation for Security makes the certification described in paragraph (3) to the Attorney General with respect to such alien.

''(2) CERTIFICATION BY THE ATTORNEY GENERAL.—A certification under this paragraph is a certification by the Attorney General, upon the request of the Under Secretary of Transportation for Security, with respect to an alien described in paragraph (1) that—

''(A) the alien is a lawful permanent resident alien (as defined in section 2 of the ''Airport Security Personnel Protection Act); and

''(B)(i) an application for naturalization has been approved, and the alien is awaiting the holding of a ceremony for the administration of the oath of renunciation and allegiance, as required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448);

''(ii) an application for naturalization filed by the alien prior to the date of enactment of this Act is pending before the Immigration and Naturalization Service but has not been finally adjudicated; or

''(iii) the alien—

''(I) satisfies, or will satisfy within one year of the date of certification if the alien remains in the United States, the residence requirements applicable to the alien in the Immigration and Nationality Act, or any other Act that are necessary for eligibility for naturalization; and

''(II) not more than 180 days after the date of enactment of the Airport Security Personnel Protection Act, filed under section 334(f) of the Immigration and Nationality Act an application for a declaration of intention to become a United States citizen.

''(3) CERTIFICATION BY THE UNDER SECRETARY OF TRANSPORTATION.—A certification under this paragraph is a certification by the Under Secretary of Transportation for Security with respect to an alien described in paragraph (1) that—

''(A) the Under Secretary has decided to hire or continue the employment of such alien; and

''(B) the alien—

''(i) meets the qualifications to be a security screener under section 44935(f);

''(ii) was employed as an airport security screener as of the date of enactment of this Act, as determined by the Under Secretary of Transportation for Security; and

''(iii) has undergone and successfully completed an employment investigation (including a criminal history record check) required by section 44935(e)(2)(B) of such title, as amended by subsection (a).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed effective as if included in the enactment of the Aviation and Transportation Security Act.

SEC. 4. EXPEDITED NATURALIZATION FOR QUALIFIED LAWFUL PERMANENT RESIDENT AIRPORT SECURITY SCREENERS.

(a) REQUIREMENT.—

(1) IN GENERAL.—For the purpose of enabling qualified lawful permanent resident aliens to satisfy in a timely manner the citizenship requirement in section 44935(e)(2)(A)(ii) of title 49, United States Code, the Attorney General shall expedite—

(A) the processing and adjudication of an application for naturalization filed by any qualified lawful permanent resident alien who was employed as an airport security screener as of the date of enactment of the Aviation and Transportation Security Act (Public Law 107–71); and

(B) if such application for naturalization is approved, the holding of a ceremony for administration of the oath of renunciation and allegiance to such qualified lawful permanent resident alien, as required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

(b) DEADLINES FOR COMPLETED ACTION.—The Attorney General shall complete the actions described in subsection (a)—

(1) not later than 30 days after the date of enactment of this Act, in the case of a qualified lawful permanent resident alien with respect to whom an application for naturalization is approved but such alien is awaiting the holding of a ceremony for the administration of the oath of renunciation and allegiance, as required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448);

(2) not later than 180 days after the date of enactment of this Act, in the case of a qualified lawful permanent resident alien with respect to whom an application for naturalization was pending on the date of enactment of this Act; and

(3) not later than 180 days after the date on which an application for naturalization is received by the Attorney General, in the case of a qualified lawful permanent resident alien with respect to whom an application for naturalization is filed after the date of enactment of this Act.

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to lower the standards of qualification set forth in title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) that applicants for naturalization must meet in order to become naturalized citizens of the United States.

By Mr. DEWINE:

S. 1830. A bill to amend sections 3, 4, and 5 of the National Child Protection Act of 1993, relating to national criminal history background checks of providers of care to children, elderly persons, and persons with disabilities, and for other purposes; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Child Protection Amendments Act of 2001''.

SEC. 2. FACILITATION OF BACKGROUND CHECKS.

(a) IN GENERAL.—Section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a) is amended to read as follows:

''SEC. 3. FACILITATION OF BACKGROUND CHECKS.

''(a) IN GENERAL.—

''(1) BACKGROUND CHECKS.—

''(A) IN GENERAL.—A qualified entity designated by a State may contact an authorized agency of the State to obtain a fingerprint-based national criminal history background check (referred to in this section as a 'background check') of a provider who provides care to children, the elderly, or individuals with disabilities (referred to in this section as a 'provider').

''(B) DEFINITION.—In this paragraph, the term 'fingerprint-based' means based upon fingerprints or other biometric identification characteristics approved under rules applicable to the Interstate Identification Index System as defined in Article I (13) of the National Crime Prevention and Privacy Compact.

''(2) PROCEDURES.—

''(A) SUBMISSION.—A request for background check pursuant to this section shall be submitted through a State criminal history record repository.

''(B) DUTIES OF REPOSITORY.—After receipt of a request under subparagraph (A), the State criminal history record repository shall—

''(i) conduct a search of the State criminal history record system and, if necessary, forward the request, together with the fingerprints of the provider, to the Federal Bureau of Investigation; and

''(ii) make a reasonable effort to respond to the qualified entity within 15 business days after the date on which the request is received.

''(C) DUTIES OF THE FBI.—Upon receiving a request from a State repository under this section, the FBI shall—

''(i) conduct a search of its criminal history record system; and

''(ii) make a reasonable effort to respond to the State repository or the qualified entity within 5 business days after the date on which the request is received.

''(3) NATIONAL CRIME PREVENTION AND PRIVACY COMPACT.—Each background check pursuant to this section shall be conducted pursuant to the National Crime Prevention and Privacy Compact.

''(b) GUIDELINES.—

''(1) IN GENERAL.—In order to conduct background checks pursuant to this section, a State shall—

''(A) establish or designate one or more authorized agencies to perform the duties required by this section, including the designation of qualified entities; and

''(B) establish procedures requiring that—

''(i) a qualified entity that requests a background check pursuant to this section shall forward to the authorized agency the fingerprints of the provider and shall obtain a statement completed and signed by the provider that—

''(I) sets out the name, address, and date of birth of the provider appearing on a valid identification document (as defined in section 1028 of title 18, United States Code);

''(II) states whether the provider has a criminal history record and, if so, sets out the particulars of such record;

''(III) notifies the provider that the qualified entity may request a background check and that the signature of the provider to the statement constitutes an acknowledgement that such a background check may be conducted and explains the uses and disclosures that may be made of the results of the background check;

''(IV) notifies the provider that pending the completion of the background check the provider may be denied unsupervised access to children, the elderly, or disabled persons with respect to which the provider intends to provide care; and

''(V) notifies the provider of the rights of the provider under subparagraph (B);

''(ii) each provider who is the subject of an adverse fitness determination based on a background check pursuant to this section shall be provided with an opportunity to contact the authorized agency and initiate a process to—

''(I) obtain a copy of the criminal history record upon which the determination was based; and

''(II) file a challenge with the State repository or, if appropriate, the FBI, concerning the accuracy and completeness of the criminal history record information in the report, and obtain a prompt determination of the challenge before a final adverse fitness determination is made on the basis of the criminal history record information in the report;

''(iii) an authorized agency that receives a criminal history record report that lacks disposition information shall make appropriate inquiries to available State and local record-keeping systems to obtain complete information, to the extent possible considering available personnel and resources;

''(iv) an authorized agency that receives the results of a background check conducted under this section shall either—

''(I) make a determination regarding whether the criminal history record information received in response to the background check indicates that the provider has a criminal history record that renders the provider unfit to provide care to children, the elderly, or individuals with disabilities and convey that determination to the qualified entity; or

''(II) provide some or all of such criminal history record information to the qualified entity for use by the qualified entity in making a fitness determination concerning the provider; and

''(v) a qualified entity that receives criminal history record information concerning a provider in response to a background check pursuant to this section—

''(I) shall adhere to a standard of reasonable care concerning the security and confidentiality of the information and the privacy rights of the provider;

''(II) shall make a copy of the criminal history record available, upon request, to the provider; and

''(III) shall not retain the criminal history record information for any period longer than necessary for a final fitness determination concerning the subject of the information.

''(2) RETENTION OF INFORMATION.—The statement required under paragraph (1)(B)(i)—

''(A) may be forwarded by the qualified entity to the authorized agency or retained by the qualified entity; and

''(B) shall be retained by such agency or entity, as appropriate, for not less than 1 year.

''(c) GUIDANCE BY THE ATTORNEY GENERAL.—The Attorney General shall to the maximum extent practicable, encourage the use of the best technology available in conducting background checks pursuant to this section.

''(d) GUIDANCE BY THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT COUNCIL.—

''(1) IN GENERAL.—The Compact Council shall provide guidance to States to ensure that national background checks conducted under this section comply with the National Crime Prevention and Privacy Compact and shall provide guidance to authorized agencies to assist them in performing their duties under this section.

''(2) MODEL FITNESS STANDARDS.—The guidance under paragraph (1) shall include model fitness standards for particular types of providers, which may be adopted voluntarily by States for use by authorized agencies in making fitness determinations.

''(3) NCPA CARE PROVIDER COMMITTEE.—In providing the guidance under paragraph (1), the Compact Council shall create a permanent NCPA Care Provider Committee which shall include, but not be limited to, representatives of national organizations representing private nonprofit qualified entities using volunteers to provide care to children, the elderly, or individuals with disabilities.

''(4) REPORTS.—At least annually, the Compact Council shall report to the President and Congress with regard to national background checks of providers conducted pursuant to the NCPA.

''(e) PENALTY.—Any officer, employee, or authorized representative of a qualified entity who knowingly and willfully—

''(1) requests or obtains any criminal history record information pursuant to this section under false pretenses; or

''(2) uses criminal history record information for a purpose not authorized by this section, shall be guilty of a misdemeanor and fined not more than $5,000.

''(f) LIMITATIONS ON LIABILITY.—

''(1) LIABILITY OF QUALIFIED ENTITIES.—

''(A) FAILURE TO REQUEST BACKGROUND CHECK.—A qualified entity shall not be liable in an action for damages solely for the failure of such entity to request a background check on a provider.

''(B) WILLFUL VIOLATIONS.—A qualified entity shall not be liable in an action for damages for violating any provision of this section, unless such violation is knowing and willful.

''(C) REASONABLE CARE STANDARD.—A qualified entity that exercises reasonable care for the security, confidentiality, and privacy of criminal history record information received in response to a background check pursuant to this section shall not be liable in an action for damages.

''(2) LIABILITY OF GOVERNMENTAL ENTITIES.—A State or political subdivision thereof, or any agency, officer, or employee thereof, shall not be liable in an action for damages for the failure of a qualified entity (other than itself) to take adverse action with respect to a provider who was the subject of a background check.

''(3) RELIANCE ON INFORMATION.—An authorized agency or a qualified entity that reasonably relies on criminal history record information received in response to a background check pursuant to this section shall not be liable in an action for damages based upon the inaccuracy or incompleteness of the information.

''(g) FEES.—

''(1) LIMITATION.—In the case of a background check pursuant to a State requirement adopted after December 20, 1993, conducted with fingerprints on a person who volunteers with a qualified entity, the fees collected by authorized State agencies and the Federal Bureau of Investigation may not exceed $18, respectively, or the actual cost, whichever is less, of the background check conducted with fingerprints.

''(2) STATE FEE SYSTEMS.—The States shall establish fee systems that ensure that fees to nonprofit entities for background checks do not discourage volunteers from participating in child care programs.

''(3) AUTHORITY OF FEDERAL BUREAU OF INVESTIGATION.—This subsection shall not effect the authority of the Federal Bureau of Investigation or the States to collect fees for conducting background checks of persons who are employed as or apply for positions as paid care providers.''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS; CONFORMING AMENDMENTS.

(a) FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.—Section 4 of the National Child Protection Act of 1993 (42 U.S.C. 5119b) is amended—

(1) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(2) in subsection (a), as redesignated—

(A) in paragraph (1)—

(i) in each of subparagraphs (C) and (D), by striking ''national criminal history background check system'' and inserting ''criminal history record repository''; and

(ii) by striking subparagraph (E) and inserting the following:

''(E) to assist the State in offsetting the costs to qualified entities of background checks under section 3 on volunteer providers.''; and

(B) by striking paragraph (2) and inserting the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under paragraph (1)—

''(A) $80,000,000 for fiscal year 2001; and

''(B) such sums as may be necessary for each of fiscal years 2002 through 2005.''.

(b) FUNDING FOR COMPACT COUNCIL.—There are authorized to be appropriated to the Federal Bureau of Investigation to support the activities of the National Crime Prevention and Privacy Compact Council—

(1) $1,000,000 for fiscal year 2001; and

(2) such sums as may be necessary for fiscal years 2002 through 2005.

SEC. 4. DEFINITIONS.

Section 5 of the National Child Protection Act of 1993 (42 U.S.C. 5119c) is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (5) the following:

''(6) the term 'criminal history record repository' means the State agency designated by the Governor or other executive official of a State, or by the legislature of a State, to perform centralized recordkeeping functions for criminal history records and services in the State;''; and

(4) in paragraph (9)—

(A) in subparagraph (A)(iii)—

(i) by inserting ''or to an elderly person or person with a disability'' after ''to a child''; and

(ii) by striking ''child care'' and inserting ''care''; and

(B) in subparagraph (B)(iii)—

(i) by inserting ''or to an elderly person or person with a disability'' after ''to a child''; and

(ii) by striking ''child care'' and inserting ''care''.

SEC. 5. AMENDMENT TO NATIONAL CRIMINAL HISTORY ACCESS AND CHILD PROTECTION ACT.

Section 215 of the National Criminal History Access and Child Protection Act is amended by—

(1) striking subsection (b) and inserting the following:

''(b) DIRECT ACCESS TO CERTAIN RECORDS NOT AFFECTED.—Nothing in the Compact shall affect any direct terminal access to the III System provided prior to the effective date of the Compact under the following:

''(1) Section 9101 of title 5, United States Code.

''(2) The Brady Handgun Violence Prevention Act (Public Law 103–159; 107 Stat. 1536).

''(3) The Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2074) or any amendments made by that Act.

''(4) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

''(5) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

''(6) Any direct terminal access to Federal criminal history records authorized by law.''; and

(2) in subsection (c) by inserting after the period at the end thereof the following: ''Criminal history records disseminated by the FBI pursuant to such Act by means of the III System shall be subject to the Compact.''.

By Mr. GRASSLEY (for himself and Mr. KERRY):

S. 1831. A bill to provide alternative minimum tax relief with respect to incentive stock options exercised during 2000; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today Senator KERRY and I introduced bipartisan legislation that will provide some relief to those workers who are facing a massive tax bill on the phantom income they have from incentive stock options.

Because it is important that my colleagues understand the unfairness of this matter, let me provide a very brief background.

Incentive stock options ISO, are an option given by an employer to an employee to purchase stock at a certain price. An individual does not recognize any income on the grant of the option or exercise thereof if the individual holds the shares for more than 2 years after grant and 1 year after exercise. If the holding period requirements are satisfied, the employee is taxed on the excess of the sale price over the exercise price on his disposition of the shares.

The reason these employees have such a significant tax bill is due to the workings of the Tax Code's answer to Rube Goldberg, the Alternative Minimum Tax, AMT. The employee's nonrecognition of income discussed above does not apply for AMT purposes. For AMT purposes, the code requires the recognition of the excess for the stock's fair market value on the date of exercise over the option price when the stock is substantially vested. Thus, while an employee does not have a tax liability of ordinary income for exercising his ISO the employee may be subject to AMT when he exercises his ISO.

While in years past, this may not have been too great a problem in a time when share prices are increasing and individuals have the money to pay the AMT. It is a very different story when shares are declining. The individual is then facing the AMT charges based on the exercise value but often has no funds to pay the AMT since the stock that was the source of the AMT has declined in value since it was exercised.

It is true that if the individual had sold the stock in the same year he exercised his ISO he would have potentially reduced his AMT liability significantly. However, the code sends a mixed signal to the individual telling him that he must hold the stock for one year after exercise if he wants to avoid taxation at ordinary income on the value at the point of exercise.

The above are the facts of the tax code, but they do not reflect the very real disaster this has done to many people across the country. The story of one company in Cedar Rapids, IA, McLeod USA, puts a real face on how this tax has destroyed families. I have received letters from dozens of honest hard-working people of this company telling me how they are making a good salary in Iowa, say $50,000 or $70,000, and were also given these ISOs as an additional incentive to work for McLeod. Now, because of the AMT rules and the declining market, these families are facing tax bills of tens of thousands, if not over a hundred thousand dollars. It is wiping out a lifetime of savings and hardwork, all to pay a tax bill on phantom income, income they never received, never enjoyed and never had. It is outrageous and it is just plain wrong.

The bill that Senator KERRY and I have introduced will provide significant relief from the AMT tax bill for workers. It allows employees to determine the value of their stock options on April 15, 2001, (as opposed to the exercise date), which will reflect the downturn of the market. This will go far in minimizing the AMT hit that employees face. In addition, the relief is targeted to assist low-income and middle-income families.

I hope my colleagues will join myself and Senator KERRY to put an end to this tax disaster.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALTERNATIVE MINIMUM TAX RELIEF WITH RESPECT TO INCENTIVE STOCK OPTIONS EXERCISED DURING 2000.

(a) IN GENERAL.—In the case of an incentive stock option (as defined in section 422 of the Internal Revenue Code of 1986) exercised during calendar year 2000, the amount taken into account under section 56(b)(3) of such Code by reason of such exercise shall not exceed the amount that would have been taken into account if, on the date of such exercise, the fair market value of the stock acquired pursuant to such option had been its fair market value as of April 15, 2001 (or, if such stock is sold or exchanged on or before such date, the amount realized on such sale or exchange).

(b) LIMITATION.—

(1) IN GENERAL.—If the adjusted gross income of a taxpayer for the taxable year in which an exercise described in paragraph (1) occurs exceeds the threshold amount, the amount otherwise not taken into account under paragraph (1) shall be reduced by the amount which bears the same ratio to such amount as the taxpayer's adjusted gross income in excess of the threshold amount bears to the phaseout amount.

(2) THRESHOLD AMOUNT.—For purposes of this subsection, the threshold amount is equal to—

(A) $106,000 in the case of a taxpayer described in section 1(a) of such Code,

(B) $84,270 in the case of a taxpayer described in section 1(b) of such Code, and

(C) $53,000 in the case of a taxpayer described in section 1(c) or 1(d) of such Code.

(3) PHASEOUT AMOUNT.—For purposes of this subsection, the phaseout amount is equal to—

(A) $230,000 in the case of a taxpayer described in section 1(a) of such Code,

(B) $172,500 in the case of a taxpayer described in section 1(b) of such Code, and

(C) $115,000 in the case of a taxpayer described in section 1(c) or 1(d) of such Code.

By Mr. LEVIN:

S. 1834. A bill for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, I rise today to introduce a bill that I hope will assist a family in my home State of Michigan who suffered the death of their child while living on a U.S. Army base in the Republic of Korea. Nearly 18 years ago, Mr. James Benoit and his wife Mrs. Wan Sook Benoit lost their three year old son, David Benoit, in a tragic mishap.

Some years ago, Mr. and Mrs. Benoit approached my office with a request for assistance. The Benoit family felt that they did not receive the relief that they were entitled to receive. To assist the family, I introduced two private relief bills that sought to give the Benoit family a hearing before the U.S. Court of Federal Claims.

This case was referred to U.S. Court of Federal Claims as the result of private relief legislation I introduced. The legislation, S. 1168, gave the Court of Federal Claims ''jurisdiction to hear, determine and render judgement on a claim by Retired Sergeant First Class James D. Benoit, Wan Sook Benoit, or the estate of David Benoit concerning the death of David Benoit on June 28th 1983. On March 14, 2000, oral arguments were heard by the hearing officer assigned to the case and the hearing officer recommended to the Court of Federal Claims on July 28, 2000, ''that Sergeant and Mrs.. Benoit be awarded $415,000 for the wrongful death of David Benoit.'' Subsequently on May 23, 2001, the Court of Federal Claims Review Panel upheld the conclusion of the hearing officer, and found that the plaintiffs ''have a valid and equitable claim against the United States.'' It went on to state that ''the Review Panel recommends that plaintiffs be awarded $415,000.''

As a result of these findings, I am introducing special legislation to provide relief consistent with the court's recommendation. This legislation can in no way compensate the Benoit's for the horrible loss that they have suffered. No amount of money can do that. However, as the court has stated, the Benoit family does indeed ''have a valid and equitable claim.'' It is my hope that Congress will act expeditiously to resolve this claim.

STATMENTS OF SUBMITTED RESOLUTIONS

SENATE RESOLUTION 192—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN JUDITH LEWIS V. RICK PERRY, ET AL

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 192

Whereas, Senator Kay Bailey Hutchison has been named as a defendant in the case of Judith Lewis v. Rick Perry, et al., Case No. 01–10098–D, now pending in the District Court for Dallas County, Texas; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved That the Senate Legal Counsel is authorized to represent Senator Hutchison in the case of Judith Lewis V. Rick Perry, et al.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2602. Mr. WELLSTONE proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

SA 2603. Mr. LUGAR (for Mr. MCCAIN (for himself, Mr. GRAMM, Mr. KERRY, and Mrs. MURRAY)) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2604. Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. FEINGOLD, Mr. WELLSTONE, and Mr. ENZI) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2605. Mr. THURMOND (for himself and Mr. HELMS) submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2606. Mr. HUTCHINSON submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2607. Mr. BURNS proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2608. Mr. BURNS proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2609. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2610. Mr. DASCHLE (for Mr. LIEBERMAN (for himself and Mr . THOMPSON)) proposed an amendment to the bill H.R. 2657, to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

TEXT OF AMENDMENTS

SA 2602. Mr. WELLSTONE proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumrs abundant food and fiber, and for other purposes; as follows:

Beginning on page 226, strike line 1 and all that follows through page 235, line 6, and insert the following: